

**REAL ESTATE APPRAISERS BOARD
MINUTES
February 22, 2012**

PRESENT: Marla Britton, Sharon Fiedler, Lawrence Nicholson, Henry Simon

ABSENT: Jose Perez

STAFF: Berni Mattsson, Bureau Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant; other DSPS staff

GUESTS: Jeffrey Hauser-WCRA #802 WRA and Debbi Conrad-WRA.

CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:25 a.m. A quorum of four (4) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Delete Item E. 7:

MOTION: Nicholson moved, seconded by Simon, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 24, 2011

MOTION: Simon moved, seconded by Nicholson, to approve the minutes of August 24, 2011 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Election of Officers

NOMINATION: Larry Nicholson nominated Marla Britton for the Office of Chair.

Berni Mattsson called for other nominations three (3) times.

Marla Britton was elected as Chair.

VICE CHAIR

NOMINATION: Larry Nicholson nominated Sharon Fiedler for the Office of Vice Chair.

Berni Mattsson called for other nominations three (3) times.

Sharon Fiedler was elected as Vice Chair.

SECRETARY

NOMINATION:

Henry Simon nominated Larry Nicholson for the Office of Secretary. Berni Mattsson called for other nominations three (3) times.

Larry Nicholson was elected as Secretary.

Board Appointments for 2012

Chair Britton designated Sharon Fielder as Monitoring Liaison. Larry Nicholson will serve as CE Liaison.

Berni Mattsson introduced herself as the new Executive Director for the Board and gave a summary of her background and current assignments. David Carlson is also the new Bureau Assistant. Berni also reviewed the 2012 meeting schedule and the new Board Member Guidebook.

MOTION: Simon moved and Nicholson seconded to move start times to 9:30 a.m. for future meetings. Motion carried.

PRESENTATION OF PROPOSED STIPULATION(S)

All proposed stipulations will be deliberated in closed session.

Board Review and Discussion of the Fifth Exposure Draft of Proposed Revisions to the Future Real Property Appraiser Qualification Criteria. Sharon Fiedler noted that the criteria proposed in the fifth exposure draft have been implemented.

New AQB criteria. Board discussed adding information to DSPS website (homepage, education and profession pages), information about the new AQB Criteria and removing the 2008 criteria from the website.

ASC preliminary compliance report and WI response-The Board reviewed the correspondence included in the agenda packet.

Review of Discretionary Disciplinary Action Matrix

Sharon Fiedler will forward changes reflecting USPAP changes to Heather. An updated matrix will be sent to board members so it can be finalized at the next meeting.

Education and Examination Issues Matters

- a. **Review new form to be used for renewal/retirement of Real Estate Appraiser Continuing Education Courses - Form** created in response to ASC Audit. Form will be sent out every two years. It helps the department determine which courses are current and still being offered.
- b. **2009-2011 Real Estate Appraiser Continuing Education Compliance Audit Report.** Jill and Dawn reviewed the audit report with the board.

MOTION: Nicholson moved, seconded by Fiedler, to allow the Office of Education and Exams to refer licensees who are not in compliance following the Continuing Education Biennium Audit to the Division of Enforcement, without prior approval by the Board. Motion carried.

PRACTICE ISSUES

There were no practice issues.

LEGISLATION AND ADMINISTRATIVE RULES

Report comparing and contrasting WI Realtors Association Appraisal Management Company legislation proposal and Appraisal Management Company Registration and Regulation Model Act. Board Legal Counsel Lydia Thompson reviewed her report with the board.

Jeff Houser certified residential appraiser and Debbie Conrad appeared before the board in support of the WI Realtors Association legislative proposal. Debbie Conrad offered to prepare a document from WRA's perspective comparing and contrasting the WRA and AMC proposals.

Board recessed at 12:41 p.m. and reconvened at 12:56 p.m.

Mandatory Licensure or Certification of Providers of Appraisals

Marla Britton appointed Larry Nicholson to contact assessor, appraisal and real estate organizations in the State to inform them of important upcoming legislation on AMCs and mandatory licensure of appraisers. Issues will be discussed again at May 2012 meeting. **There will be an opportunity for public comment provided at the beginning of the meeting.**

BOARD MEMBER ACTIVITY

There were no activities to report.

NEW BUSINESS

There was no new business

INFORMATIONAL ITEMS

There were no informational items

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Simon moved, seconded by Fiedler, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Lawrence Nicholson-yes; Henry Simon - yes.

Open Session recessed at 1:45 p.m.

RECONVENE TO OPEN SESSION

MOTION: Simon moved, seconded by Nicholson, to reconvene into Open Session. Motion carried unanimously.

Open session reconvened at 4:32 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON
IN CLOSED SESSION**

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**JUNE JACKSON
10 APP 029**

MOTION: Nicholson moved, seconded by Simon to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against June Jackson. Motion carried unanimously.
(VOTED ON IN CLOSED SESSION).

**VICKI KNOBLE
11 APP 008**

MOTION: Simon moved, seconded by Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Vicki Knoble. Motion carried unanimously.

**SEAN BROWN
09 APP 091**

MOTION: Nicholson moved, seconded by Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Sean Brown. Motion carried unanimously.

**JOHN SPENCE
10 APP 010**

MOTION: Simon moved, seconded by Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Spence. Motion carried unanimously. Larry Nicholson recused himself from deliberations and voting in this matter.

JAMES KAYSEN

10 APP 019

MOTION: Nicholson moved, seconded by Fiedler, to accept the signed stipulation, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order. In addition the board will accept the respondent's agreement to take either the General Appraiser Market Analysis and Highest and Best Use course or the Subdivision Valuation: A Comprehensive Guide to Valuing Improved Subdivisions course on or before December 14, 2013. Motion carried unanimously. **(VOTED ON IN CLOSED SESSION)**

MATTHEW HAASCH

10 APP 052

MOTION: Fiedler moved, seconded by Simon to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Matthew Haasch. The Board hereby notifies the Department Monitors that the respondent's license is limited. Motion carried unanimously.

DELEGATION FROM REA BOARD TO DSPS 09 APP 063

MOTION: Nicholson moved, seconded by Fiedler, to agree that ALJ decisions in this case will be adopted as written by the ALJ. Any other disciplinary reviews, such as a case closing, a stipulation or other discipline, and all non-disciplinary reviews such as an administrative warning, shall be delegated to the Secretary of the Department or his designee. Motion carried unanimously.

CASE CLOSINGS

10 APP 041

MOTION: Simon moved, seconded by Nicholson, to close case **10 APP 041** pursuant to prosecutorial discretion (P5). Motion carried unanimously.

11 APP 007

MOTION: Fiedler moved, seconded by Nicholson, to close case **11 APP 007** pursuant to prosecutorial discretion (P1). Motion carried unanimously.

11 APP 010

MOTION: Nicholson moved, seconded by Fiedler, to close case **11 APP 010** pursuant to prosecutorial discretion (P7). Motion carried unanimously.

11 APP 016

MOTION: Simon moved, seconded by Fiedler, to close case **11 APP 016** for insufficient evidence. Motion carried unanimously.

10 APP 014

MOTION: Simon moved, seconded by Fiedler, to close case **10 APP 014** for insufficient evidence. Motion carried unanimously. **(VOTED ON IN CLOSED SESSION)**

10 APP 018, 10 APP 023, 10 APP 058, 10 APP 062

MOTION: Nicholson moved, seconded by Fiedler, to close cases **10 APP 018, 10 APP 023, 10 APP 058, and 10 APP 062** for prosecutorial discretion (P7). Motion carried unanimously.

11 APP 036

MOTION: Simon moved, seconded by Nicholson, to close case **11 APP 036** for no violation. Motion carried unanimously.

10 APP 059

MOTION: Nicholson moved, seconded by Simon, to close case **10 APP 059** for prosecutorial discretion (P7). Motion carried unanimously.

10 APP 046

MOTION: Fiedler moved, seconded by Nicholson, to close case **10 APP 046** for prosecutorial discretion (P5). Motion carried unanimously.

11 APP 042

MOTION: Fiedler moved, seconded by Nicholson, to close case **11 APP 042** for prosecutorial discretion (P5). Motion carried unanimously.

11 APP 014

MOTION: Simon moved, seconded by Nicholson, to close case **11 APP 014** for prosecutorial discretion (P2). Motion carried unanimously.

MONITORING

ROBERT SHOVERS

MOTION: Nicholson moved, seconded by Simon to suspend Mr. Shovers' license indefinitely until he demonstrates six consecutive months of compliance with sections C and D of the Boards Final Decision and Order dated May 21, 2008 and petitions the Board for removal of the suspension, upon meeting those requirements. Motion carried unanimously.

DONALD WERGIN

MOTION: Simon moved, seconded by Fiedler, to suspend Mr. Wergin's license indefinitely until he demonstrates completion of the following education courses, Basic Appraisal Principles and Basic Appraisal Procedure, and petitions the Board to remove the suspension, and provides the Board with a roster of appraisals completed from August 2010 through the date of the petition. Motion carried unanimously.

ADJOURNMENT

MOTION: Simon moved, seconded by Nicholson, to adjourn the meeting at 4:46 p.m. Motion carried unanimously.